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GUE OF NATIONS

ITS PRINCIPLES EXAMINED

By
THEODORE MARBURG
M.A., LL.D.

VOLUME II

THIRD EDITION
REVISED AFTER THE TRIUMPH OF THE ALLIES AND THE ADOPTION OF THE PARIS COVENANT OF APRIL 28, 1919

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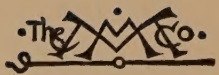

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Formerly United States Minister to Belgium

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FOLLOW THE FLAG [1]

By every fireside where live the love of country and the love of justice is heard a sigh of relief that our flag is not, after all, to be trampled in the mire. Now that it has been raised aloft, follow it. Follow it even to the battle front.

It goes on a HIGH mission. The land over which it flies inherited its spirit of freedom from a race that had practiced liberty for a thousand years. And the daughter paid back the debt to the mother. Her successful practice of free institutions caused the civic stature of the citizen in the mother-land to grow. It lit the torch of liberty in France. Then, moving abreast, these three lands of democracy imparted to it impetus so resistless that freedom is sweeping victorious round the globe. To-day con-

stitutional government is the rule, not the exception, in the world. Once more these three nations are together leading a great cause and this time as brothers in arms.

Follow the flag. It goes on a WORLD mission. *If the high hope of our President is fulfilled, that flag will have new meaning. Just as the stars and stripes in it originally symbolized the union of free States in America, so now they may come to symbolize the beginnings of a union of nations, self-governing, and, because they are self-governing, making for good-will and justice.*

Follow the flag. It goes on a STERN mission. Follow it, not for revenge, yet in anger — righteous anger toward the bloody crew who, with criminal intent, have brought upon the world the greatest sum of human misery it has ever known in all its history. Follow it till that ugly company is put down and the very people themselves whom they so grievously deceived and misled, by coming into

liberty, will come to bless that flag and kiss its gleaming folds.

Follow the flag. Too long it has been absent from that line in France where once again an Attila has been stopped. It has been needed there, God knows! And yet, though not visible to the eye, it is and has been there from the beginning. It is there in the hearts of those fifty thousand American boys who saw their duty clear and moved up to it. Now at last it may be flung to the breeze in the front line, to be visible by day, and to remain at nightfall, like the blessings of a prayer fulfilled, in the consciousness of men. Follow it and take your stand beside the fifty thousand.

INTRODUCTION

THE most noteworthy event in connection with the league-of-nations movement since the earlier volume of this treatise was written is the inauguration of the Versailles Council, November 29, 1917. That body is already dealing with the economic and political interests, as well as with the military interests, of the Allies. Should we not make every effort to develop it as far as possible into a league now, during the war?

The project of a league of nations is a radical one.[2] It involves a complete departure from old practices. It means a surrender of license on the part of States: the license to make war at will. It involves responsibility: the joint responsibility of the nations for the peace of the world pending an inquiry. It implies surrender of a measure of sover-

eignty, for there is set up a will higher than the will of the nation. It diminishes the chances of successful aggression, since there may be no sudden assault on the victim. The difficulties to be overcome in persuading governments to enter into an agreement which involves such innovation are so serious that it is only while the nerves of the world are exposed, while the minds of men are fully alive to the evils of the present system, while men's souls are, in fact, on fire with the horror and pity of it, that we may count with confidence on their taking the step.

The world has more than once been lulled into a false sense of security by temporary freedom from war. The most notable instance in recent times is of course the long peace (thirty-five years) following the exhaustion of Europe by the Napoleonic wars. But when wars began again, how rapid their succession and how tremendous their scale! By the middle of the last century the new gener-

ation was ignorant of war's horror and insisted on knowing about it first-hand. It chose stupidly to learn its terrible lesson by experience instead of from the page of history. Are not the best of us, after all, like children on whose ear precept falls as a dead and dull thing and in whom wisdom is instilled and character developed mainly by the buffetings of circumstance?

Time presses.

Without interfering with the duty of the hour — the duty to overcome Germany — the Allies could set up forthwith a Court and an International Council — to perform the functions which the Versailles Council is performing at the present moment and to assume the added functions of Inquiry and Conciliation — and it could organize a quasi-legislature.[3] These institutions would help, not hinder, the coöperation so necessary to win the war. And whatever betide, they would remain as a valuable legacy to the world.

To develop the Versailles Council forthwith into a rudimentary international organization, as advocated by certain members of the French official group, is the most urgent practical step in connection with the league-of-nations movement. Here are some of the reasons.[4] [5]

The successful conduct of the war would be promoted by more complete cooperation of the Allies.

Organization, effected now, may prove to be the nucleus of a permanent league.

Broad community of interest is more patent in the face of a common danger and opposing interests are more readily reconciled at such a time.

It is of the utmost importance that the Allies should present a common front at the peace table and, in order to effect this, they must reach an understanding, so far as possible, on specific questions in advance of the peace conference.

The settlement of questions arising

among the Allies during the war will be facilitated.

The creation now of an organization involving habits of common action and fixed relations with one another will tend to hold the Allies together after the war.

The proclamation of just aims by such an organization will disabuse the mind of the German people of the idea that the Allies seek their permanent injury and will thus tend both to shorten the war and to draw a liberalized Germany to the group.

The league we can set up now is of course not the kind of league we hope to institute eventually. It must omit the fundamental provision for disciplining the recalcitrant member, because any attempt to do this while so powerful a country as Germany remains without the circle would be fatal. And it must include a feature which should be abandoned later on, namely, action — in this case both defensive and offensive — directed against outside nations. The

original plan of the American League to Enforce Peace is a gentleman's agreement operating only on its own members. The object of this limitation is to allay the fear that the League will follow the footsteps of the leagues of the past, notably the Holy Alliance, and become an instrument of oppression. The league we institute after the war should not go further. And we have got to win the war in order to have even a league of this kind, a league which will include a liberalized Germany. A change of spirit on the part of the German people is the only hope for the world. And if we believe in the upward trend of history, can we doubt its advent? Just as Talleyrand, representing a new France, was soon accepted as an equal at the Congress of Vienna, entertaining on his own part no animosity for the coalition which had overthrown Napoleon, so a new Germany, shorn of her conquests, repentant and undertaking to expiate her crimes, should soon sit as a friend at

the council table of the nations. Conditions will indeed be intolerable unless we effect this result.

In the present volume the writer seeks to examine the basic principles of the league-of-nations project. Leading plans framed in Europe and America will be discussed in a future volume.

LEAGUE OF NATIONS

VOLUME II

MOTIVE

IN a small flower shop in the humbler quarters of a Southern city a young hospital nurse, still in training, is asking the price of roses, her rounded cheek, itself a rose, half turned to the open door.[6] The daily tasks of the hospital training school are exhausting. But she has managed to embroider a workbag as a wedding present for a friend, something wrought by her own hands, and she seeks to adorn the package with a few buds. Embroideries, like carved wood, chiseled marble, and wrought metal, as well as letters and music and the painter's art, she is aware, give life a rich setting. To the question she puts, there is no reply — only a thoughtful look — and in a

voice such as is "an excellent thing in woman" she repeats it. Then the woman of the shop answers quietly: "I heard you the first time, dear, and I've heard that voice before. You were good, so good, to my Alice at the hospital. How badly she was burned by the overturned lamp! And how patient to the end!" Then, turning to her boy, she bids him give the lady all the flowers she may need. And she herself pins a white rose on the young nurse's bosom.

The qualities disclosed in this simple incident are not mere ornaments of men. They constitute the very basis and condition of all progress. The philosophy of ruthless suppression and domination is based on the biological principle of the advantage to the individual of fierceness and cunning in the struggle for existence. But this philosophy overlooks a conflicting and more far-reaching biological principle: the superior advantage of group action conditioned on altruism. The buck standing on guard while the

herd feeds, the wild goat coming back to the top of the pass to see whether there be a wolf or other enemy following before he moves on with the herd! What have we here but altruism, the beginnings of society before man? It is altruism which alone makes group action or co-operation possible, and coöperation has played a greater part in evolution, certainly in higher evolution, than the individual qualities of fierceness and cunning. The dictates of humanity — kindness, consideration, and pity — are therefore equally grounded in philosophy. They are at the very foundations of society. Without them human progress would have been impossible.

To apply that principle, the principle of coöperation based on altruism, to the society of nations, as it has already been applied within the State, is the aim and purpose of a league of nations.

I

JUSTICE

The central idea of the project is that wars are the result of the condition of international anarchy out of which the world has never yet risen, that they will not cease until justice prevails, and that justice cannot triumph until the world organizes for justice.

We are too apt to interpret progress in terms of numbers: growth of population, yards of cotton and pounds of steel produced. Is that actual progress? Athens at the height of its glory had but fifty thousand freemen, the whole of Attica but one hundred thousand, together with twice that number slaves. And yet this little people moved forward incalculably the human mind and spirit. The cities of the Italian Renaissance: Florence, Venice, Genoa! To what memories the mere mention of them gives rise! A handful of people, writing their names

forever on the scroll of human achievement! No, progress lies not in growth of the material. It is found rather in growth of the spiritual, including the intellectual, and above all in growth of justice — justice of man to man, justice of employer to employee, justice written in the law and interpreted in the court, justice of the government to its people, and justice of nation to nation.

In time of war injustice triumphs. Fortunes shattered, populations destroyed, vast areas over which economic progress is halted for a generation! Not a body of thinking men weighing the right and wrong, but the fortunes of war determining whether a given nation or its foe suffer the horrors of invasion followed by the payment of crushing indemnities! Here is a cause in itself, a cause that affects all other causes. Take Belgium, where the man and the woman worked side by side in the cold rains of early spring and the excessive heat of summer, planting and gathering

the harvest, trying to build up a little home, to rear and educate their children and to lay by something with which to start those children in life. Everything swept into the abyss! And through no fault of their own! Courts of justice suspended, military tribunals set up with the very object of shielding the criminal! And such crimes! With extended arm and outward palm we try involuntarily to push away the vision of them. Little girls and women violated, old men — civilians — shot down, the young boy caught with a rifle in his hand and placed against a wall because a sense of outrage had made him a man before his time! What definition of justice fits facts like these? Machinery and raw material seized; and then, on the plea of the very unemployment thus willfully produced, men deported to work in Germany under conditions which make many take their own lives rather than endure the physical suffering and mental anguish that result from studied cruelty, insult and hu-

miliation! Others, broken in health, sent back home to die! The breadwinner thus taken away to leave the household to face years of misery!

Nothing we can do for these people — hundreds of thousands of them in Belgium, in Northern France, in Poland, in Serbia and Montenegro — nothing we can do for them will ever make the world the same. Something within has snapped. No human power can gather up and tie together the ends. And it is the Kaiser and his "Potsdam gang" that have done it — done it deliberately in order to terrorize men.[7]

II

ROAD TO FREEDOM

Even as justice is a principal aim of society, so it must become the principal aim of international organization.

And until we have such organization no country can be really free.

Plato has defined the free man as he

who has sufficient control over his appetites to be governed by reason in choosing between good and evil. What nation is free in that sense to-day? What one of them, not bent on aggression, but would lay down the burden of armaments if free to do so? Few episodes of history are more illuminating in this respect than the relation of the United States to the Great War. Had we in the United States anything whatever to say as to whether the war should begin or not? After it began did we not lean backward in an attempt to keep out of it? All to no avail! Even if we had not been directly assailed by the illegal doing to death of our citizens on the high seas, a sense of outrage at the lawless and inhuman acts of Germany and the cry of a bleeding world for justice must, sooner or later, have forced us to spring to arms.[8] Slowly but irresistibly, and all too late for our own good and the good of humanity, we were drawn into it. *Were we then free men? Or were we*

slaves of circumstance? If we find it impossible to keep out of a great modern war, must we not, of necessity, insist on becoming part of the forces which shall determine whether or not there is to be war? And is it not clearly to our interest to combine with other nations in an honest attempt to prevent war? A selfish policy which leaves a government apathetic to a universal woe and causes it to act only when its own rights are trespassed upon cannot produce peace. We are the victims to-day partly of the will of others and partly of blind forces; whereas it is possible, by international organization, to control these forces — both the selfish and the blind — to substitute for them conscious and directed action mutually helpful.[9] Society implies not only self-restraint but group-restraint where self-restraint fails. And true liberty in the society of nations is quite as dependent on surrender of license as is liberty within the State.

A people wedded to justice will not be

afraid to assume its share of responsibility in a league of nations in order to lighten the curse of war in the world.

We teach our children not to mind so much what is done to them but to mind very much what is done to others; to be slow to resent little offenses and slights, and even injuries they themselves suffer; but to be ready at all times to act when some one else is being persecuted or assailed. We teach them, too, that the only fear any one should have is the fear of doing wrong. Has not the day arrived when these should likewise be substantially the standards of conduct for nations? We say "substantially" because the standards of private conduct are modified for nations by the fact that the nation is a trustee of the interests of its people and of its special form of civilization, including the political principles which it represents.

In most civilized countries, the day is past when a principal obligation of the individual is to insist on his rights. It

is the side of duty, rather than rights, which is emphasized to-day; and the new order of international society toward which the nations are moving will do the same.

The present evil of recurring war is due largely to the selfish motives which have dominated the policies of all nations in the past. The United States probably has been governed by them less than other countries, but even its attitude leaves much to be desired. *A better day cannot dawn until it is realized that in general the future interests of a nation will be found to lie in the direction of a present duty to the society of nations.* The fact that Europe permitted the crime of 1870 made possible the crime of 1914. The tragedy we are now witnessing holds within it the seeds of untold future disaster for all of us. And unless the neutral world realizes the significance of it, unless it acts now as if the society of nations were already in existence and assumes its full share

of responsibility for the triumph of the right, the seed will bring its harvest.[10]

Has not the time come when every self-respecting country should stand for the right, should strike for the right when necessary, and should help organize the world for right? And how much less frequent the need of striking at all when such absolute and potential power as a league of all the great nations will represent shall be back of the right.[11]

III

ANALOGY

We find within the modern State certain institutions such as legislature, courts, and executive, which aim to prevent strife among men and to promote the general welfare by promoting legal and social justice and by enlarging opportunity. This system was applied to the States, originally sovereign entities, composing the American Union. Enter-

ing the Union involved a certain surrender of sovereignty and independence and a sacrifice of the principle of equality in the unequal representation in the lower house of the Federal legislature. The interests of the States, economic and other, had often clashed and resort to arms between them had not been unknown. Because of this fact some of them were slow to consent to the plan. But the workings of the Continental government, crude as it was, convinced men that in this direction lay progress, in this direction light for the world; and, though with hesitation and misgivings on the part of some, all finally took the step. Once only in a century and a quarter has the peace between them been disturbed. True, the South was forced to abandon the institution of slavery; and lack of protective duties against the cheaper agricultural products of the West caused farms to be abandoned in the State of New York and in New England. But individuals moved freely from

one section to another. There was no suppression of local aspirations and ideals. On the whole the welfare of each made for the welfare of all. And to-day the benefits of the Union are unquestioned. We naturally ask ourselves why the same organization which brings justice and peace and orderly progress within the nation may not be applied with equal success between the nations. Far from representing a confusion of ideas it is the essence of logic.

It is intimated that the analogy of the American Union has little value for us in connection with the larger project, that we in America were successful in uniting the Colonies into one great State because they were territorially contiguous and we could thus form a "district league." Only one fact need be pointed out in reply: the existence of the great league known as the British Empire, one State scattered over the face of the world, an empire whose self-governing colonies rushed voluntarily hundreds of

thousands of their people to the European battlefield to support the central government when assailed by Germany.

IV

WHY LEAGUES HAVE FAILED

How far can we attempt to go in the direction of such organization at present? Shall we, through the united action of the nations, endeavor to forbid war, or should we simply compel disputants to resort to institutions already in existence or hereafter to be set up in the honest endeavor to compose their quarrels before they are allowed to make the appeal to arms?

On the threshold of the inquiry we are met by the consciousness that the leagues of the past have not had signal success either as instruments of justice or as preventives of war. To be effective they must rest upon force. And in international affairs the employment of force is at all times fraught with danger —

the danger of oppression and the danger of organized opposition, inviting the very disaster which it is sought to avoid.

Men recall with indifference the doubtful benefits of the Quadruple Alliance, with its recurrent meetings, and of all the shifting alliances of the nineteenth century. The acts of one of them, the Holy Alliance, they view with positive alarm. Set up, it will be remembered, between Austria, Prussia, and Russia (1815) ostensibly to promote the Christian religion, though really to support dynasties against the advancing tide of democracy, it operated in fact to suppress liberty in Naples (1821) and Hungary (1849), and in one instance, with France as its mandatory, threw down liberal institutions (Spain, 1823) and restored to the king his full despotic powers.

We remember especially the shortcomings of the Concert of Europe. That well-meaning group has done some creditable things. It smashed the Turkish

fleet at Navarino (1827) and liberated Greece. It mitigated the unhappy lot of the Armenian. More than once it has prevented war in the Balkans. But what serious failures are registered against it and what disaster has overtaken it now! And what of the Triple Alliance and Triple Entente? Formed ostensibly for peace and no doubt serving at critical moments to preserve peace, to their existence is plainly due the very extent of the present cataclysm.

This record tends to make men cautious, and properly so. At the same time the present unspeakable struggle has so burned into our very conscience the wholesale injustice, the sum of human misery and the retrograde influences which flow out of war, that there is everywhere, except in the Central Powers, a demand which will not be denied for something in the nature of a league of nations to discourage war. It is seen that establishing institutions to which the nations may voluntarily re-

sort for the adjustment of their disputes falls short of what is desired. They must be obliged, by a powerful group of States, to submit disputes to tribunals qualified to deal with them.

Now, the first step toward a successful plan for a central organization is to ask why the leagues of the past have failed. The answer lies in one thing: the narrowness of the circle composing the league. That defect is fatal. It makes possible the triumph of selfish interests. It facilitates swapping of favors, collusion, and actual despoiling of the outsider.

When the First Balkan War was threatening, the Concert of Europe said to the Balkan States: "You may not fight." When the fight was on, they then said: "You may not dismember Turkey." Both things happened. Why? Because the narrowness of the circle composing the Concert permitted the self-seeking of some of its members to thwart

its purposes and to bring its mandate to naught.

This, then, is a first duty: to recognize that leagues composed of a small number of States, however powerful, may be swayed by selfish interests and may practice oppression. And if a league cannot be relied upon to do justice we do not want it. If it does not do justice, certainly it cannot endure.

Within the State the cause of justice is advanced under a democratic régime by the regulated play of opposing interests — individual against individual and class against class — and by the united thinking of the many. Why may not a league embracing all the progressive nations similarly make for wise and just action? [11]

All else here discussed is subordinate to that one essential. If that essential be realized, the various problems of the League, including the question of its organization and functions, may be faced

with confidence. The united purpose of the civilized world may confidently be counted upon to solve them all, and to solve them wisely.[12]

V

CONFIDENCE WILL REVIVE

Of what use the labors of conventions, of chancelleries, of writers and of judges who have given painstaking and careful thought to the development of international rules when, in a time of crisis like the present, they are swept aside? Men ask naturally whether nations hereafter will be inclined to regard any rules of peace or war as binding or place any confidence in their observance by fellow nations when the test comes.

The events of the past few years have indeed subjected to a severe strain our estimate of what may be expected of men and nations in our day of supposed enlightenment and humanity. In the breasts of many the cord of confidence

has snapped. Are they right or are the men who hold to the old faith right?

If people so gifted and endowed as the Germans can be tricked by a ruling class into acts so unworthy, if the native virtues and humane qualities which undoubtedly characterize them can be overborne in passionate hate and turned in a single hour into folly and flaming madness, can we count upon any people to hold true to the ideals of our day?

These are the questions which every thinking man is putting to himself and they have caused some of the most experienced to readjust their estimates.

But look at the other side of the picture, at the examples, in this war, of entire faithfulness to treaty obligations. In some, performance has been better than the promise. On the part of a large group of nations the events of the war have actually strengthened confidence in each other. And they have helped to reveal to the masses the kindred moral and political aims beneath

varying types of government. Sober second thought suggests that the world will recover from the shock to its faith in treaties. It must recover. Without such confidence conditions will be impossible. Confidence not only in the written and spoken word but confidence in the governing motives of the neighboring State constitutes the very basis of all tolerable relations. Without it a single untoward incident may flame up, at a moment's notice, into war.

It would be folly to assert that this restoration of confidence will be immediate. The shock has been too great. For many years nations will be on their guard. They will probably maintain stronger armies and navies than hitherto. But we shall have a final recovery of the loss which the Great War has caused, progress in all lines of international endeavor will be resumed, and it is not impossible that by a working international agreement, if statesmen have the vision required to frame and estab-

lish such, the very pace of progress in this direction may be increased.

Furthermore, if Germany is overcome, the sufferings visited upon her by reason of her bad faith and inhumanity will strengthen opposite proclivities — the natural proclivities of nations in our day. "Keep our powder dry," yes; but "trust in God" too. No greater mistake could be committed than to endeavor to reconstruct the world after this war on any other basis than confidence in the good faith and honor of nations despite the way in which one member of the family of nations has behaved.

Moreover, there lurks in such problems as that of a league of nations a dynamic element which defies calculation.[13] It is unintelligent to ignore it and to make our deductions solely from the existing. Suppose, for example, Abraham Lincoln had sent into the Southern States a commission to ascertain whether the South could get along without slavery. What

answer would they have brought back? When new institutions are set up, sometimes when new inventions appear, a new spirit is born with them, and that which seemed remote or impossible, is presently close at hand. If the nations can be induced to take the initial step and shall once experience the advantages of international organization, there is little likelihood of their ever abandoning it. But unfortunately the world's tasks are not like books which, when read, may be closed and laid aside. We reach a cherished end only to find that it is but a step to an ultimate end — new opportunity and new labors imposed as a result of that opportunity. The real task — the task of years, if not of generations — will be to develop and cement the new institutions and, above all, so to shape opinion as to induce the nations habitually to lean upon and defer to them.

VI

NEEDS

Now that the Allies have endorsed the principle, the immediate duty before us is to reach some measure of agreement as to the exact nature of the league they are willing to set up.

The principal declared purpose of the leading plans is to unite in making war — immediate and certain war — on any nation which goes to war without a previous hearing of the dispute. A Council of Conciliation will entertain disputes arising out of clash of political policies. Incidentally a true international Court of Justice is to be set up to entertain justiciable questions. And there are to be conferences from time to time to formulate and codify international law both as a basis for the operation of the Court, and for its own sake.

In the measure in which nations are estopped from fighting, the growth of

law will be stimulated and resort to international tribunals will become more frequent. These latter happy results will in turn diminish resort to arms. For whenever we lift a question out of the arena of uncertainty to place it in the realm of law we remove just one more question from the category which may lead to war.

But it is manifestly not justiciable questions, nor even the nebulous state of international law, which, by and large, brings war. War arises principally out of conflicts of policy. To deal with these successfully is the immediate problem before us.

Advocates of purely voluntary institutions object to the use of force against States under any conditions. They trust to public opinion not only to compel nations to resort either to a court or tribunal of conciliation but likewise to insure observance of the judgment or award.

Now, the framers of all the various

plans for a league of nations likewise favor judicial and arbitral tribunals, commissions of inquiry, conciliation, and the development of international law. They believe them to be essential.

But they do not believe that the existence of these institutions is alone sufficient to discourage such outrageous assaults on the peace of the world as the present war.

For that, something more is needed. Just as, within the State, we find back of the law the sheriff, the constabulary, and finally the whole military power of the State and nation, so eventually, in order effectively to prevent war, the whole military force of the society of nations must be put back of the accepted rules of international practice and of international morality. However, the majority of proponents of the league idea feel that this ideal cannot be realized at once. They believe that we must be content simply with a step in that direction, must, for the present, stop short of en-

forcing the judgment or award of the tribunal.

As we have seen, they propose to begin with one thing, namely, compulsory inquiry before nations are allowed to fight. They maintain that not only the world, but the people of the countries which are about to take up arms, have a right to know what the struggle is about. Certainly that is a reasonable demand and a realizable demand.

The extreme advocates of force maintain that some wars are righteous wars and that, in the past, wars of this kind have served great ends. We admit this contention but make twofold answer:

1. The aims attained by these righteous wars of the past are possible of attainment by better international organization without war;

2. Should the wrongs be so grievous as to justify resort to war and should the inquiry upon which we insist fail at the same time to bring about a discontinuance of the wrongs, the righteous war

may still be undertaken without penalty at the hands of the League.

The worshipers of force who oppose a program so reasonable as this either have not taken the trouble to investigate the plan or are advocates of international anarchy.

VII

HOW FAR CAN WE GO?

It is fairly certain that the world is not ready for a Super-State. There must be some surrender of sovereignty on the part of each State in the common interest. But there is no evidence that the nations are prepared to delegate to any body of men the authority to make binding laws for them nor to command them to go to war. It may be possible to strike a happy mean between such an extreme position and the feeble principle of endowing various international committees simply with advisory powers.

Such a mean is found, perhaps, in a

system which permits a central committee to make binding rules for the mere functioning of the League, while the acts, for example, of a quasi-legislature shall be binding on the States of the League only in the absence of expressed dissent within a given period; while, furthermore, certain other acts of central organs of the League shall require the positive assent of the States.

There must be some such central committee or council to conduct the affairs of the League; to initiate changes in its constitution; to watch, and endeavor to forestall, unfavorable international developments; to plan modifications of policy, such as abatement of armaments, the "open door," and the conditions of exploitation or peaceful penetration; to decide what exclusive privileges the parent State shall have in spheres of influence, possessions and colonies, and what measure of autonomy shall be given to nationalities under alien government.

But here, too, the power lodged with

the committee must be less than mandatory. This fact becomes perfectly clear when we come to the power, which this central committee or council must have, to set in motion the main function of the League, namely, disciplining the recalcitrant member. That action must be swift if war that is threatening is not to become war in reality, which, once launched in earnest, is most difficult to stop. Yet, are we prepared to give the central committee the power to declare war in the name of the League and to command the obedience of its members? That surely would be the effective method. Some of us believed, in the initial stages of our investigation, that it should be adopted. But maturer thought has caused us to recede a step, to realize the practical and constitutional difficulties of it and to fall back on the expedient of empowering a central committee to declare simply that the conditions have arisen which call for the use of force under the agreement, leaving it

to each signatory to decide whether or not it will live up to its obligations and make war on the rebel.

As to the need of a true world Court we find no division of opinion. Such a Court was accepted in principle, under the name of the Court of Arbitral Justice, by the forty-four nations represented at the Second Hague Conference. It has never come into being simply because of the difficulty experienced in agreeing on a method of selecting the judges. There is no thought of supplanting, nor of undermining the authority of, the so-called Permanent Court of Arbitration at The Hague. That institution has been highly useful. We want it to grow and to be strengthened. The disputes it has composed have been important. One of them, the Fashoda Incident, had in it the seeds of war.

But arbitration is based on the principle of compromise. Its leading motive is to compose difficulties rather than to ascertain where justice lies. It is pre-

ventive rather than constructive. What is desired is to erect by the side of this useful institution another tribunal: a true Court of Justice, composed of judges by profession who shall be permanent, who shall lean on precedent and help build up the law by their decisions just as the great Common Law of England was built up. By the side of this judge-made law — the strongest, sanest, and most enduring kind of law — we shall also witness the very existence of this Court inviting the codification of certain spheres of law, just as the Hague provision for an International Court of Prize invited the codification of the law of prize. England, it will be remembered, declined to participate in setting up the Prize Court until the law which should govern its decisions was defined. In consequence of this demand we had the London Conference of 1908–09 which codified the law of prize. The fact that the London Convention was not generally ratified and proclaimed before

the Great War does not militate against the force of the principle that to set up a Court invites definition of law.

The nations are asked to bind themselves to refer to such a Court all justiciable questions: questions which may be composed on the principles of law and equity. They will enter the Court with the feeling that if their claim is just they will not have their interests jeopardized by compromise, but will secure the whole of their contention — a conviction which will encourage resort to the tribunal and strengthen the habit of peaceful settlement.

This feature of the league program is, then, not a new proposal. It is one to which there is practically no objection. It can be brought into being at any time by the chancelleries of the Great Powers. Serious and earnest effort on the part of a single Power, impressed with its value, can succeed in getting it established.

The League would naturally lean on existing institutions such as the Perma-

nent Court of Arbitration and the International Commission of Inquiry at The Hague, inducing the parties in interest, wherever possible, to refer their controversies to these latter tribunals. Whenever the International Council found it desirable itself to act as a court of arbitration or conciliation, it would possibly so act through a special committee or section, leaving the Council free to deal with the general business of the League.

Certain critics, pointing out that conciliation is a voluntary process, assert that to force conciliation is a contradiction in terms. They set up their own straw man and then proceed to knock him down. Ordinarily, justiciable questions only will go to the Court, while conciliation will concern itself principally with extra-legal questions, including conflicts of political policy. Now, the League will not force conciliation. It will employ force simply to prevent nations from resorting to war to get what they suppose to be their rights until there

has been a hearing. As already pointed out, they are not estopped from indulging in that costly pastime if, after a hearing, they still hold to the opinion that they are being wronged.

The question has been asked: Can any country afford to become party to a treaty which would justify a league of nations, under certain conditions, in using force against it?

The Bryan treaties, made in pairs between the United States and over thirty other countries, already provide for obligatory inquiry.[14] They call for the submission of all disputes whatsoever, not resolvable by diplomacy, to an international commission for investigation and report. They forbid the disputants to declare war or begin hostilities "during such investigation or until the report is submitted," provided that the report shall be presented in the maximum period of one year, which period may, however, be shortened or extended by agreement. The league plan extends the application

of this principle to a wide group of nations. But it does not stop there. It goes farther and declares that the League will make war upon any nation which breaks the treaty. That is to say, it makes provision for *compulsory* inquiry instead of *obligatory* inquiry.

Now in exactly what way are the interests of the signatories affected by this further step? The Bryan treaties, now in force, cover disputes "of every nature whatsoever." So does the league compact. Both therefore cover matters of vital interest. But so far as extra-legal matters are concerned, both simply call for investigation and report. If the award of the arbitral tribunal is not to be enforced, how can the legitimate interests of any country be jeopardized by such treaties? The United States, for example, can surely afford to submit questions involving even the Monroe Doctrine for investigation before going to war over them. And this is all the League demands. In other words, *unless*

the present signatories of the Bryan treaties should, under the League, do what they have already obligated themselves not to do, the League would never have occasion to use force against them.

Coupled with this consent to a hearing, which necessarily involves delay, there must be some provision for preventing nations from proceeding, under penalty of war, with an objectionable act pending the hearing. For the solution of this problem we turn to the power of injunction which, under municipal law, is lodged in the courts. The League would undoubtedly exercise a similar power.

If the dominant purpose of a country be conquest, then inquiry and judicial process will not stop her. But they will do this: they will disclose her real purpose and consolidate the resistance of the outside world. Therefore, even as against such countries they are useful. If, on the other hand, there is an absence of wrong motive and it is merely some un-

toward happening, such as the Dogger Bank Affair and the Fashoda Incident, that have excited a nation, then bringing out the facts by inquiry, and the sober second thought made possible by the delay incident thereto, should tend to ward off war.

National pride, spurred by the private interest of a small group of individuals, has been responsible for many wars of the past. The moment nations are expected to refer their differences to a tribunal, the element of pride drops out as a determining factor. Unless the intent is aggression, will not the nations, under the new conditions, naturally prefer to settle their controversies by means other than war?

Another matter which is fairly clear is that seats in the legislative conference must be given not only to the States of the League but to all States, since it is not law exclusively for the League but international law which the conference is supposed to formulate. The conference

cannot be empowered to govern the League in the sense of making law for it. It should formulate laws only " ad referendum." The thin thread connecting it with the League ought possibly to be confined to the right, lodged in the League central committee, to call and dismiss the legislative conference, and to the right of the central committee to seats in the conference.

It will be seen that the rudimentary organization here outlined is far from constituting a Super-State. It ought to be possible to get the nations, jealous though they be of their full sovereignty, to accept it.

While its aims are big and while it holds within it great possibilities for the abatement of war, the program is, at the same time, a simple and practical and conservative program.

Once established, and its practicability and benefits becoming known, such a league would grow in authority and strength. Close coöperation for this

great end would presently give rise to a feeling of community of interests on the part of all its members. Irrespective of other considerations, this alone would tend to put at a disadvantage any nation which declined to enter it.

VIII

PREPONDERANT MILITARY POWER ESSENTIAL

But unless it has the adhesion of all the Great Powers from the very beginning, such a league as is now planned had best not be instituted.

A world Court, or similar institution unconnected with the idea of compulsion, could be set up with promise of success by very few, possibly even by two or three, of the Great Powers, and should be set up forthwith. Although only the nations which joined in establishing it would obligate themselves to use it, if properly constituted its prestige would grow, other nations would gradually ad-

here to the convention and still others would use the Court without formal adherence. The same may be said of other mediatory institutions carrying with them no element of compulsion. But a league which plans to use force against a recalcitrant member is quite another matter. Unless it embraced at the very start an overwhelming preponderance of military power, the member it was attempted to discipline could appeal to outside nations for aid and so bring on world-wide war.

The formation of opposing groups, such as have faced each other in Europe in the recent past, is the very thing the league project was designed to avoid. A strengthening and closer union of the Entente, if Germany remains formidable, is necessary and certain to come about. The way for it should be paved by immediate development of the Versailles Council.[15] But it will not be a league of nations in the sense in which the term is

used in the world-wide discussion of the problem taking place to-day.

A true league of nations, if inaugurated, will abolish, or at least subordinate, special groupings. If it works at all, it must be as a united body standing solidly against the recalcitrant member. It might prove impossible to do away entirely with subordinate groupings. But certainly they must remain in the background, to be called into action only when the League shall have proved unequal to the task of defending its members or after its legal powers are exhausted.

It is of the highest importance to recognize these conditions and limitations of a true league. The failure of the experiment would cost the world too much in the direction indicated and in an indefinite postponement of a properly constituted league, which, by crowning other international institutions, is the hope of the world for more enduring peace.

What does this imply? Nothing less than that all the Great Powers including Germany must be embraced in a true league of nations.

IX

GERMANY AND A LEAGUE OF NATIONS[16]

But can we afford to shake hands with the unholy thing — dripping with the blood of innocents — known as Germany?

Can we afford to make a pact with a deliberate violator of law, human and divine?

What semblance of reality would attach to sitting at the council table with a creature false to its express and solemn promise — its promise not to violate Belgium?[17] What value would lie in an agreement with such a State?

In the intercourse of men, certain things are taken for granted: that they will keep their word, that they will re-

spect the law, that they will observe the common dictates of humanity, that they will act as gentlemen. When they fail us in any of these fundamentals, the situation becomes impossible.

What of a nation that fails in all of them? A league of nations which should include a State motived as Germany is motived to-day would be a rope of sand. Intellectual honesty — honesty to oneself — is a highly important quality. Nations making a compact with a perjured Germany would not be honest to themselves. For they would know that she could not be counted upon to keep her word. When confidence in the good intentions of the neighbor is destroyed, we have feud, not society. A league composed of nations which lacked confidence in one another would be shadow, not substance. From the very beginning it would move in a false atmosphere. Who can doubt the result?

And what of a league from which Germany and her allies were left out?

For the period of the war, yes! Organization of the Allies into a working league now would be of incalculable advantage. It should be formed at once; is, in fact, already in being in the Versailles Council so far as relates to community of aims and loose coöperation; though to accomplish its tremendous task it needs prompt and large development. It is urged that if a league is formed now by the Allies it will be looked upon by Germany after the war as directed against her interests and therefore less likely to win her approval and adhesion. On the other hand it has been pointed out that permanent unions, such as the American Union, are born of the needs of the day, that the Allies need now the machinery which will make their coöperation effective, and that we are therefore likely to encounter less opposition among them to the formation of a working league now than if we wait until this pressure of necessity has passed. Two

considerations may be advanced in this connection:

a. It will be far more difficult to set up an effective and enduring league, even of a modified kind, if Germany wins the war; and the able organization of the Allies in a working league now will help prevent this catastrophe.

b. If Germany is regenerated it will be by reason of the fact that she has recognized in her present leaders the real enemies of the German State and people, and, like the post-Napoleonic France already referred to, she should harbor no ill-will toward the group which helped to overthrow the authors of her misery.

A league of nations is to be set up to discourage war, not to invite it. How can it discourage war unless it embraces overwhelming preponderance of military power? Certainly a league which planned the use of force against a fellow-signatory would be dangerous without Germany as a member.

And Germany, as at present governed and motived, would be equally dangerous within the League. Are we, then, to pronounce the project of a league impractical, and fall back upon the old system of armed peace interrupted by wars ever growing in horror? Not yet! Not so long as there is a chance that the Central Powers may have their fangs drawn, or, through defeat, experience a change of heart and so become acceptable members of the family of nations. And the German spirit can be reformed only by opening the eyes of the German people to the measureless disasters that follow unsuccessful war! Thorough, overwhelming, disastrous defeat of Germany, resulting in a chastened Germany, is the only hope for the world; is the task impossible?

To admit it would be to doubt that reason orders the universe, to enthrone unreason.

No matter what battles may go to Germany's war machine — marvelous de-

spite the long years of preparation — no matter what successes may attend her inhuman submarine campaign, no matter what accessions she may have to her ranks in the way of new adherents, no matter what defections may occur on the side of the Allies through German victories or intrigues or by reason of calculating selfishness, Germany cannot win the war. Wrong often triumphs locally, but wrong, universally recognized as such, cannot triumph.

The Germans have paraded their "will to victory." They forget that, while human will has done much to shape human history, in order to succeed in great world causes it has got to lie close beside the will of God.

X

DEMOCRATIC MONARCHIES

But harnessing together governments whose institutions are not kindred is declared to be unnatural and likely to end

in failure. After this very just observation the critic proceeds to object to the United States entering a league on the ground that it involves coöperation with monarchies, aside from Germany.[18] Is that objection valid? Is it not a mere toying with terms, a failure once again to discern the substance beneath the form such as is involved in classing all republics as free governments? [19] Is it necessary to point out in our day that in many constitutional monarchies the people practically enjoy self-government? This is true of Italy, Holland, Belgium — such as she was and will be again — and the Scandinavian lands. Even Russia, we are forced to believe, will presently settle down to constitutional government and, after her masses become instructed, to self-government. France and Switzerland are democracies under republican government and England is a true democracy despite its monarchical dress. Drawing our love of liberty orig-

inally from England, we have paid back the debt. The example of the successful practice of a broad democracy here encouraged its growth not only in the mother-country, but generally throughout the world. Social democracy, which is opportunity to rise in life and is largely the result of economic conditions, is greater in all new countries than in the countries of the old world. It is greater in Canada, Australia, New Zealand, and the United States than in England. But when we come to political democracy, which is the opportunity for the will of the people to express itself in law, there is more of *that* in England than in the United States. If one knows what the will of the English people is, he can pretty well gauge the action of the English Parliament. Is the same true here? Old age and disability pensions every justice-loving man of the United States would like to see established. To what extent have we got them? And if the

lack of them be the fault of Federal or State constitutions, does that alter the fact?

XI

BANKRUPT IDEALS

Is the League likely to involve its members in war?

In considering that question the first step is to recall the character of the offense which authorizes the League to make war upon a recalcitrant.

There is only one such offense. It consists in actually committing overt acts of hostility against a fellow-signatory before the dispute has been submitted for inquiry or before there has been an offer in good faith so to submit it. The matter of where right resides does not enter into the question. The means for ascertaining that fact are provided by the institutions of the League and no member may wage war on a fellow-member without an honest attempt to bring

these instrumentalities into play. Unless it were a really formidable Power against which the League was called upon to proceed, joint military action would not take on the form of war any more than the joint expedition of all the Powers against Pekin in the Boxer uprising of 1900 was regarded as making war on China. In action such as this the United States, like other Powers, participates simply on order of the Executive.

Now, would the menace of war by the League against a formidable Power produce the hoped-for inquiry? Specifically, would it have led Germany to accept inquiry before plunging the world into the present war?

The answer to that question lies deep in the forces which brought on the war and in the conditions which permitted it.

In one of his allegories Henry van Dyke portrays the angels in Heaven pondering the evils of the world. Uriel asserts that it is lack of knowledge that

explains the existence of evil. His attention is called to the peoples who have had great learning and yet have practiced unspeakable oppression and injustice. The Archangel Michael asserts that power is the thing that is needed to set right the wrong. He in turn is reminded of the nations who have had great power and used it cruelly. At that moment a little figure comes floating through the air with palpitating hands crying, "I know, I know, it's love." And the Christ Child drops to earth that Christmas morn, the angels streaming after Him like "jewels from a dark blue sky."

The tremendous catastrophe with all its confusion through which we are passing has brought out several things very clearly.[20] One is the bankruptcy of education without principle. Prussia was the earliest of the countries to apply universal, compulsory education.

For two months in the winter of 1915–16 the writer was at the bedside of his

wounded boy at British Headquarters in Flanders. In all those weeks — life and death in the balance — there was never a moment when he would have wanted that boy to have made any other decision. Death, which fitly closes the labors of us all, is not a tragedy. The great tragedy is human weakness and surrender, failure of character, around which everything revolves. The memory of duty done, lingering among and inspiring their friends, is one form of immortality, one means by which men live after death. The boy who goes out manfully to fight for a high cause and to die at the front — his is the real victory. The slacker, the shirker at home, is the one that dies the death.

Our boys who fall for the right would not have us sad. They would want us rather to carry ourselves like the soldier who fires a farewell salute over the grave of the lost comrade and marches away with the dirge changed to a martial air. They would want us to face life with

their own cheerful courage, to take up and carry on that which they have left undone.

Such boys have gotten more than knowledge — they have gotten understanding. For them education has not been a failure. Can we say the same of the German people whose support of a Godless policy has made this sacrifice necessary?

The war has brought out, too, the bankruptcy of power without the spirit. Germany represents the greatest organized military power of all times. She is engaged to-day in tearing down the fair temple of right-thinking and right-doing; she is suffering frightfully and will suffer more.

Unfortunately the war has likewise disclosed the limitations of that which is stressed in van Dyke's allegory: it has revealed the bankruptcy of good-will unaccompanied by organization. Russia is an example of the effect of Tolstoi's teachings of absolute non-resistance.

Tolstoi asserted, it will be remembered, that when we change from the despotic to the democratic form of government we are simply changing the men whom we place over us to rob us and oppress us. What he believed in was no government. How curious that a mind so big could read history and reach such a conclusion![21]

XII

WAS PREVENTION POSSIBLE?

Just as Russia is an example of what happens within the State without organization, so this great world-war is an example of what happens between States without organization.

The writer recalls, in April, 1916, telling Sir Edward Grey — what he already knew — how he enjoyed the universal respect of the people of this country; how we felt that he had stood for what was decent in international affairs, had endeavored to prevent war, endeavored to

prevent this war. With a thoughtful mien he made answer: "Yes, but when one has tried to prevent war and failed"— and there he stopped. The episode is recalled in order to put this query: was it possible for Sir Edward Grey to have prevented this war — possible by anything whatsoever he might have said or done? Did he not proffer Germany a clean slate on which to write her own formula provided only she would consent to a conference? Would anything have availed? One thing only — the opinion is general: a declaration by England that if Germany persisted in bringing on war she would find her (England) by the side of France and Russia. The French Ambassador at Rome reported San Giuliano's view, July 27, 1914: "Germany at this moment attaches great importance to her relations with London and he believes that if any Power can determine Berlin in favor of peaceful action it is England." Two days earlier, Sazanof, entertaining a

similar view, asked that England place herself clearly on the side of Russia and France.

But this declaration Sir Edward Grey could not make because of the danger of encouraging an aggressive spirit in Russia, if not in France, and because the British people were not ready to follow him in such a step at that moment.[22] It was not until the purpose of Germany was revealed, revealed as by a flash of lightning at midnight, by the invasion of Belgium, that the English people lined up solidly back of him.

In the absence of such a declaration on the part of England, the Kaiser was not to be restrained. He had made up his mind that the time had come to set in motion once again that tremendous military machine which Prussia and Germany had been building up ever since Bismarck was old enough to form a policy. This accusation comes from various quarters, notably from the Kaiser's own ambassadors at Constantinople and

at London. But the certain evidence — the most damning bit of the whole diplomatic record — is the forcing of the war by Germany after Russia and Austria had reached an agreement (July 31) to refer the Austro-Serbian dispute to a conference.[23]

XIII

ORIGIN NOT ECONOMIC[24]

Could Germany have ignored the Austro-Russian agreement if that agreement had been supported by a league? Would she have refused the demand for inquiry if the alternative had been certain war with a united world?

And, supposing Germany had been forced by a league to accept the offer of a conference, is Viscount Grey right in the view which he expressed to the writer[25] that after investigation of the dispute it would have been impossible for Germany to proceed with her aggressive plans? To reach an intelligent conclu-

sion on that point it is necessary to consider whether Germany had a real grievance, a grievance that was so intolerable as to drive her to defiance.

In other words, is there any foundation for the claim, so often made by her apologists even in enemy countries, that the origin of the war is to be found in economic causes: repression of Germany and denial of opportunity for legitimate growth?

What are the facts?

In addition to Germany's own great ports of Hamburg and Bremen, access to the sea was secured to her by treaty with Holland (April 12, 1872) and Belgium (December 6, 1891, and June 22, 1904) providing for the flow of her commerce free of duty through the ports of these countries. In Antwerp she had secured the very choicest bit of the harbor for docking her ships. At the same time she was guaranteed railway charges as low as any paid by the nationals of these two countries. Her commerce passed to

and fro from the outer world in great volume through these channels as freely as if the ports and railways had been her own. And that commerce, as well as her domestic commerce, was growing by leaps and bounds. If there was any country which already had a place in the sun and which was enjoying the common freedom of the seas it was Germany. Her splendid merchant fleet sailed unmolested and her flag was found in every port. Where there was a protective tariff it was an even tariff operating equally against Germany's competitors. Not only was there no discrimination but unusual opportunity for trade was hers in the vast area where the liberal spirit of Great Britain welcomed the foreign trader on an equal footing with her own national.

"True," cry the Germans, "but it's colonies, colonies we need."

Now what basis of justice is there in that demand? Several centuries ago when the English Protestant and French Huguenot were put to death in Catholic

lands, when the Spaniard could not trade in the English colony and vice versa, when Spanish and English merchantmen attacked and destroyed one another at sight whether the home countries were at war or not, when in fact the colony was forbidden by law to trade with any but the mother country — in that day there was ground for such a cry. But these conditions disappeared years ago. Some countries, it is true, still discriminate against foreign imports into their dependencies and favor imports entering the mother country from the dependencies. This is true of our own country. By act of April 13, 1900, free trade was inaugurated between Porto Rico and the United States, foreign countries being denied the benefits of the act, and in 1909 the same system, with certain exceptions, was applied as between the Philippines and the United States. The colonial policy of France likewise embodies discrimination against the foreign trader. On the other hand, Great Britain, against

which Germany strangely enters her principal complaint, has set an example of magnanimity in this respect to the world, shaming us all. The self-governing colonies of Canada, Australia, New Zealand, and South Africa have set up, of their own volition, slight preferential tariffs in favor of the mother country; some of them extend this preference to all British colonies and possessions. In the British Isles themselves, however, as well as in the Crown colonies governed directly by Parliament, and in the Protectorates and Spheres of Influence in Asia and Africa, foreign products are admitted on the same footing as British products. The absence of a protective tariff enabled the Germans to invade the very home market of the British Isles to an enormous extent — a fact which refutes the argument that free trade would abolish war.

"But what about our emigrants?" exclaim the Germans. "The emigrant who settles under a foreign flag is lost

to us." The truth of that statement depends on whether or not the emigrant finds in the new land institutions inferior to those at home. If they be inferior, his national traits and his ties with home persist and he and his children remain German in the foreign land. If, on the other hand, the new civilization be equal to his own and, in consequence thereof, he becomes merged in it, what loss does the world suffer by that fact? D. G. Ritchie defined civilization as the sum of the advantages that enable men to progress independently of heredity. That is to say, civilization is found wholly in the external: our moral code, religion, political institutions, laws, mechanical devices, science, and the material world modified by the hand of man. All we inherit in our blood is the capacity for it. It would follow that the prime interest of mankind is in the spread of the right blood. Second in importance is probably the spread of sound political institutions because,

given the capacity transmitted in blood, it is on them that moral, religious, and material growth, by and large, depend. The spread of a justice-loving people is of very great moment. But the love of justice is a feature of morals and of institutions. Taking the great progressive nations as a whole, the world is not concerned about the movements of peoples between them. It is quite unconcerned as to whether emigrants go out from the motherland to their own colonies or to the colonies of a people equally enlightened.

Is it the fault of other nations that Germany came too late into the colonial field, that either because she was not united in one strong State or for lack of the spirit of adventure she failed to participate in colonial enterprise at a time when other countries, even small ones such as Holland and Portugal, were acquiring colonies? Now that she has awakened to this ambition, must other nations surrender their colonies to her?

And if they should come to accept that point of view, what limit would Germany set to her ambitions? Did the transfer of Heligoland, the nearness of which to the German coast made its possession by England a thorn in her flesh, cause her to be a whit more friendly to England? What assurance is there that, if England gave her New Zealand to-day, she would not begin to-morrow to scheme to get Australia and South Africa?

But what about concessions: railway and mining privileges, et cetera? Surely these go largely to nationals? Yes, reform is needed in that direction. There is value in the suggestion that backward lands should be governed directly by an international commission under the proposed League of Nations, and that, in such regions, the policy of the open door should prevail in respect of concessions as well as in respect of commerce. But is this a matter to go to war about? Ownership of these enterprises is often scattered over the face of the world by

foreign investment. And as for the extra profit of flotation, how insignificant when compared with the huge sum of profit derived from the commerce of a great nation! Is not unhampered commerce, flowing freely over the world — such commerce as Germany enjoyed — many times more valuable than monopoly of exploitation in backward lands? Has Germany, in time of peace, experienced any difficulty in getting raw materials from lands not owned by her?

As for Germany's naval ambitions, the Great War has shown that she could guard herself amply against invasion and aggression simply by remaining what Bismarck desired of her: a strong military Power in the center of Europe without great sea-power. And unless she had begun to threaten the safety of the British Empire by threatening British supremacy at sea, is it likely that England would have thrown down her hereditary friendship for her? As has long been recognized, England's insular posi-

tion makes her very liberty dependent on preponderant sea-power, nor does she use her navy in time of peace to interfere with the commerce of other peoples. Witness the flourishing condition of the German merchant marine already referred to. Witness Belgium, which had only one gunboat, used as a school-ship, while her commerce was fifth in the commerce of the world; Holland, whose biggest battleship is less than 7,000 tons; the Scandinavian countries, which have practically no navy and all of which have an extensive sea-borne commerce. Does that look as if England used her navy to crush commercial rivals? The only use for a great German fleet was either to seize colonies belonging to some other country or to satisfy national pride.

When faced with these facts Germany replies that what she objected to was not that England ever had interfered with her sea-borne commerce but that, with her superior fleet, she might do so. This

reasoning is on a parallel with her second and belated excuse for invading Belgium, namely, that unless she had entered it France would have done so. And this in the face of France's renewed assurance to England at the beginning of the war that she would respect Belgium's neutrality during the present conflict as faithfully as she had respected it in the war of 1870–71!

In its final analysis the complaint of Germany is that the existence of the English fleet interfered with German ambitions. And, thank God, this last charge is true.

We know, from Admiral Dewey's own account, what actually did take place in Manila Bay in 1898. In the light of the events of the present war, is there any doubt what would have happened there — the German fleet being greatly superior to ours — if the English Admiral had not interposed his flagship between the ships of Admirals von Diedrichs and Dewey? By the same token, is there

any doubt what would have happened long ago in South America in defiance of the Monroe Doctrine but for the certain knowledge on the part of Germany that the moment she attacked us she would have England on her back? The English fleet, far from being a menace to the world, has been a source of safety to it. It has made distinctly for our own security. Happily, the entry of the United States into the war has ended forever the possibility of German naval supremacy.

XIV

TWO KINDS OF EMPIRE

Knowledge is a voyage of discovery: the discovery that what often appears to be simple is in fact very complex. We do not get very far in our inquiries into a subject before we find this need of differentiating.

This remark applies to empire. Extending the dominion of an enlightened

and progressive people over backward peoples — how different a matter this from the attempt of one people to subject a people equally enlightened!

Britain's is a justice-loving and justice-doing empire.

Its expansion has been a gain to the world. Building up the waste places, making it possible here in the United States, for example, to supplant with a hundred million people in comparatively happy homes a half million savages kept down in numbers, in one of the fairest regions of the world, by starvation, disease, and incessant bloody strife; setting up in Canada, Australia, New Zealand, and South Africa liberal governments which are likewise justice-loving and justice-doing and whose political and social experiments have great value for the world; entering India and establishing law and order, making it possible for men to cultivate the land in security, relieving them of the certain knowledge that the marauder would rob them of

much of the harvest, preventing war which had been habitual between the principalities for generations; lifting from the fellah in Egypt oppression which had weighted him down for centuries — this is indeed a proud record. In no other country, not excepting our own, is the stranger so certain of having justice meted out to him in the Courts as in the British Isles. It is that fact which has caused the decisions of English judges to play such an important part in the development of international law. It is not uncommon for the natives in India to bring their disputes to the Englishman who happens to be settled among them, asking not the why nor wherefore but simply which is the right and wrong. And this man not a judge but a private citizen! To such heights has confidence in the justice of the Englishman risen.

Objectors — objectors to our presence in the Philippines — assert that alien rule over backward peoples is an illiberal system. They ignore the fact

that often these peoples are getting, in the regulation of local affairs, more practice in self-government under an enlightened rule from outside than they could possibly get if turned adrift to face the alternative of despotism or anarchy.

Ambition of this kind, how different from the ambition which would overturn a neighboring civilized State and simply impose upon an unwilling and progressive people an alien government in no way superior to its own! What useful purpose is served by war between great progressive countries? What gain was there in transferring Alsace-Lorraine from France to Germany?

When the Germans wrote the "Hymn of Hate" they did not know what sentiment swung round the name of England in the breast of America. England the beautiful and just! Aye, just even to Ireland. Not for several generations has she practiced oppression against that spirited people. And what nation is not ashamed of the acts of its earlier days?

Growing purpose is the very measure of character. For many years England has been more than just to Ireland. She has been generous to her. Acquisition of the land by the tenant has been fostered with the aid of imperial money, better agricultural methods have been taught, and, in such matters as readjusting contracts for rents in favor of the Irish tenant the Government has done things which we in the United States could not do under the federal Constitution. Parliament is ready to-day to grant to Ireland local self-government in essentially as large measure as that enjoyed by the States of the American Union, provided only that Ireland does not deny to Ulster the very right for which she herself is contending.

England is the home and cradle not only of political liberty but of modern political genius. No other race could have worked out the great institutions of America, institutions causing gray Europe and grayer Asia to awaken from

their long political sleep, to rub their eyes, to stand erect, and look level at the morning sun. The highest thought of England to-day has passed beyond the formula of "the greatest happiness of the greatest number." It is no less than this: that no man's happiness is justified which does not at the same time contribute to the welfare and happiness of others. There is no need for England to drop the term empire for that of commonwealth. She already has empire over our hearts even as a sense of right has empire over us.

The Germans have been misled by the study of Roman history. With their usual lack of understanding they have misread it. The spread of Rome over barbarian peoples was an immense gain. It meant the spread of law and order, it meant paving the way for the establishment of the Christian religion throughout a vast organized empire. The Germans are under the illusion that it is their destiny to set up a second Rome,

forgetting that the rest of the world to-day is no longer barbarian, that in most walks of life sister nations have institutions equal to their own and, in point of fact, are motived by an infinitely higher spirit. Prussian history for generations has laid bare the Prussian motive. To-day it has flamed up in limitless criminality. The moral degenerates directing German affairs to-day are simply out for plunder and out for blood — our blood — as a means to plunder. There is no kinship between expansion of this kind and the expansion which peoples the wilderness or imposes by force a new order of society and system of law on a backward country.

XV

CONQUEST BY THE SPIRIT

Consider Germany's position before the Great War. Her language clothed such treasures of thought and of knowledge, historic and scientific, that men of

other tongues everywhere must needs study it. In the application of science to industry, in the government of cities, in that struggle which defeats so many of us, the struggle against poverty, in that battle which brings lasting gain — not the battle of man against man, but the battle of man against nature — Germany was setting an example to the world. The same may be said of her in respect of at least one department of art — that highest expression of human emotion — music.

This is conquest by the spirit, the noblest kind of conquest, open to every people and needing not the help of the sword.

Such is the conquest of religion — of the Christ, of Confucius, and Buddha — the conquest of Greek culture; the conquest of Roman law, long continuing its progress after the fall of the Roman Empire; the conquest of Gothic architecture, flowering in such noble creations in many lands; of Renaissance letters

and art; the conquest of political principles which have caused every country of Europe, of Central and South America, and several countries of Asia to be governed to-day more or less on the lines of the English and American constitutions.

Such is the conquest, too, of great individuals thrown up on the shores of time generations ahead of their day: Plato, Aristotle, Rembrandt, Shakespeare, Wagner. With intercourse a thousandfold multiplied over that of former times, conquest by the spirit, so sound and sane and enduring, is open to peoples and individuals over a great part of the earth's surface. It was open to Germany, and Germany was making such conquest at a pace equaled by few other countries. She need only have sat still and everything that was worth while would have come to her.

XVI

THE BLUNDER [26]

Lack of gray matter in one man's brain and dearth of human feeling in one man's heart brought all down in ruin. Typifying and accentuating the tendencies of a ruthless military class, the German Kaiser has flooded the world with measureless disaster.

The greatest product of nature is not the clever man, nor the ingenious man, but the wise man: he who can think true. This man cannot think true. Has any one, in the whole of history, ever made so great a mistake? Milton pictured such a mistake on the part of an angel when he described Satan's revolt in heaven, but we may search the annals of men in vain for a parallel. If the world does not actually forbid the continued existence of a system which permits the accident of birth under autocratic rule to decide the happiness or ruin of mil-

lions of men, surely it will at least deny to this one individual and to his unhappy heir, who has out-Cæsared Cæsar, further possibly for evil.[27]

XVII

THE PRUSSIAN GAME

Unless Germany is beaten, thoroughly beaten, or through revolution changes the character and spirit of her government, we know to what we may look forward. Is there any doubt that in such event she would succeed in imposing on Austria and her other allies the plan which she herself has practiced of making a soldier of every citizen? The Central European Group, combined with Bulgaria and Turkey, would then indeed be a menace to the world — Russia is not included in this hypothesis because it is not conceivable that Germany will be allowed to retain her hold on Russia. Every other nation which had any regard for its own safety would be com-

pelled immediately to resort to a like policy. We should not only be burdened with multiplied national budgets, but, by reason of the fact that militarism leads to war, would be creating a highly explosive condition everywhere.

We know the Prussian game — 1864 war on little Denmark, in company with Austria, tearing from her Schleswig-Holstein to be placed under their joint ownership. But joint ownership was not her aim. She wanted for herself these rich provinces with the valuable littoral on the Baltic as a basis for maritime development. And after waiting two years she did not hesitate to fall upon her former ally, Austria, and wrest them from her in a war lasting less than one month, securing for herself at the same time the undisputed hegemony of Germany. She waited twice that long — the whole long period of four years — and then attacked France. In that war she lost an insignificant number of men, secured an enormous money indemnity

which enabled her to go over to a gold basis, unified the German people, gave a great fillip to the national spirit, and started the new empire on a career of marvelous prosperity.

These are facts we have got to face. War has been cheap, war has been profitable to her. That is why Germany was won over to Prussianism. Her philosophers, Nietzsche, Treitschke, and Bernhardi only formulated actual experience.

XVIII

PENALTY AS PREVENTION

Experience of one kind having thus set Germany's face toward aggression, only experience of another kind is likely to halt her. Will she have had that experience unless she is thrown out of all conquered territory? Will the military party be discredited unless she suffers actual defeat and unless, in her defeat, she is made to pay heavy penalties? A Zollverein aimed at her prosperity would

simply breed future wars. But she should make full reparation to the countries she has wantonly devastated, should suffer loss of colonies and loss especially of Alsace-Lorraine. The motive for such a policy would be not revenge — that would be beneath us — but the spirit which informs the criminal law: prevention. For only then will the German people realize that Prussianism can bring disaster — awful disaster — as well as profit, only then will they see the folly of the present mad adventure.

Exact justice demands that Germany, if proved responsible for the war, should indemnify neutral countries for losses arising out of it. It goes without saying that this is not possible: the losses are too heavy. But that which is possible, and should be exacted, is that she replace by her own tonnage — in existence or to be constructed — neutral ships she has illegally destroyed, provided that she first make good similar losses incurred by the nations which have

borne the burden of the struggle against her.[28] No such idea as that easy terms of peace will make for future good relations with the enemy should be allowed to interfere with our purpose. At the close of an ordinary war a policy of conciliation might — nay, would — have its advantages. But in the case of an enemy whose conscious policy of aggression is so plainly revealed in history and written in seas of human misery to-day, such a policy would fail utterly to put the fear of God in their hearts.[29]

To crush Prussianism is therefore essential if we are to have peace under a league or under any international institutions whatsoever. The Russian collapse has made our task doubly heavy. But unless we carry it through, what an inheritance do we leave to our children!

Of course, in the improbable event of the German people themselves turning against their leaders before they suffer serious military reverses, the case would be altered; for then that which we aim

to accomplish by penalties would be already accomplished. With the establishment of liberal government the spirit of aggression would disappear. The mental and moral qualities of that great people would then be ranged on the side of international justice and they would at once become welcome partners in a world organization.

XIX

RELAPSE CONFINED

If, on the other hand, the diabolical practices of Germany succeed, they will be justified of men and fasten themselves on us.

It is unfair to proclaim these practices and the war itself as evidence of a general breakdown of right motive and decency. Progress in any direction is seldom without interruption. Moral progress is especially slow. But its general tendency is unmistakable. In striving to suppress unnecessary cruelty in

time of war and to lessen the number of wars by supplanting force by law, anarchy by organization, all the forces of history are with us. For generations we have been moving in the right direction and it has well been said that "direction is everything and distance nothing." For many men the present cataclysm has swept away the foundation of things — swept away their reliance on what may, on the whole, be expected of men and nations, their faith in treaties, in the authority of law, and in the larger sway and ultimate triumph of reason in international relations. No conclusion could be more hasty. Nothing could be more unjust than to blame the nations indiscriminately for the present outbreak of savagery. The war was brought on by one nation, which had bent all her energies to prepare for "the day" and is the only great nation that still believes in war. If she has partners in crime they were pushed forward by her or drawn in after her by luring promises.

Austria's course indicates that Germany practiced on her the same deception that has marked German diplomacy for decades. Austria was led to believe that if she stood firm, Russia, which had backed down before the appearance of Germany "in shining armor" in 1908 and had suffered the absorption of Bosnia-Herzegovina by Austria, would again allow Austria to have her way and do her will on Serbia. When, at the last moment, Austria saw that Russia meant to oppose her by force, she reached the agreement with Russia, already referred to, by which the Serbian question was to be the subject of a conference. But a peaceful solution of the dispute did not suit the purposes of Germany, and, as we have seen, she took effective steps to bring the agreement to naught.

In other words, Germany tricked Austria into the war exactly as Bismarck had tricked Denmark into war in 1864 by telling her, at that time, that England had declared her intention, if war came,

to oppose Prussia — in other words, support Denmark — whereas England had made no such statement; and exactly as he had tricked France into war in 1870 by falsifying the Ems dispatch.

Bad faith thus characterized Germany's acts leading up to the war just as bad faith marked her initial step in the war, though she had the honesty to admit that she was committing a wrong in violating Belgium's neutrality. The Belgian episode was a shock to the world. But it was soon overshadowed by the unbelievable crimes — on land, at sea, and in the air — with which the Germans began at once to stain their honor. The backward and inhuman practices inaugurated by the German soldiers are the outcome, it is well known, of a conscious policy of terrorism fastened upon them by their military leaders. The Kaiser's charge to the German force about to take part in quelling the Boxer uprising in China (1900) foreshadowed this policy.

Neither the war nor its methods, therefore, should be a source of discouragement to him who loves justice and believes in its growing power. The cause of international organization had made marked headway in Great Britain, in France, and in America. Germany alone had designedly blocked it. Effective propaganda in Germany was rendered impossible by the attitude of the Government and the dominant class whose plans of aggression it interfered with.

XX

SYMPATHY TRANSLATES ITSELF

A further indication of the world's growing love of justice is the effect of Germany's inhumanity and violation of the rules of war. They have been an actual asset to her enemies. For sympathy tends to translate itself into fact. As we have seen, sympathy for Belgium on the part of the English people made it possible for England to enter the war

at the moment she did enter it. And from that moment to this the sympathy of the outside world has not ceased to translate itself into fact of the highest value. It is probably true, as claimed, that while the cloud was gathering, and for the first few days after it burst, there was much sympathy in the United States for the German cause. This was largely dissipated when the German purpose was disclosed by the violation of Belgium, by the inhumanity which immediately thereafter marked Germany's conduct of the war, and by the publication of the correspondence which fixed the responsibility for bringing on the war. Sympathy for the Allies at once showed itself here by the way in which our children took up arms for them, in the success of the Allies' loan among us, in the moral support which our people gave to them despite the injunction of the Administration to be neutral in the expression of opinion as well as in act. It translated itself into fact of the biggest kind when the

Italian people, sensing the German purpose, forced their Government unwillingly to enter the war against its former allies. The innocent victims of German air raids in England are not dying in vain. They will die in vain if England and her allies continue to retaliate in kind; for then the strengthening of sympathy for the Allies in the neutral world, still a considerable world, which is continuing every day that German barbarity continues, will cease. It is of the highest importance that the Allies should not lower themselves to the level of Germany in their conduct of the war.

England's entry into the war opened the greatest chapter of her history, from the standpoint both of chivalry and of statesmanship. When in future men turn the pages of memory and recall that chapter they should find the page clean. What an error, at this late stage of the war, to permit passion to sully it!

And what of justice? Are the Ger-

man woman and child, and in fact the non-combatant who has never enjoyed political rights which would enable him to control the acts of a Kaiser or of a ruling class bent on bloody deeds — are they to be killed in raids which, experience has shown, destroy the lives of more non-combatants than of soldiers?

Men long ago reached the conclusion that the non-combatant should be spared in time of war and the struggle confined as much as possible to the armed forces of the belligerents. An underlying motive for our entry into the fight was the desire to right wrongs. Are we now to discard the immeasurable help which is born of the consciousness of a righteous cause by ourselves indulging in a wicked practice?

On the other hand, if the inhumanity practiced in the war is, on the whole, confined to the German operations, and Germany is defeated, will it not be the clean-cut defeat of a reversion to savage usages

with the result that such methods are far less likely to fasten themselves on the world in future?[30]

XXI

MUST BE DISCREDITED

But, actual defeat, overwhelming defeat, is essential.[31] If Germany triumphs her methods triumph; and the facts cited above will lose much of their significance. Men will say: "Barbarous methods have prevailed; and as war may be a matter of life and death for the nation itself we will not hesitate to resort to them."

This, then, is a further necessity — to discredit Germany's methods and prevent them from fastening themselves on the world in future to the utter undoing of international goodwill and therefore of adequate international organization.

To sum up: in Prussia's cheap and profitable wars of the past lies the explanation of the present murderous as-

sault on the peace of the world. In letting Germany see that Prussianism can also bring overwhelming disaster is to be found the only remedy. The struggle is a clear-cut fight between wrong in its most hideous and universal forms and right unqualified. Success for the German cause would mean the triumph of a conscious policy of bad faith — disregard of solemn obligations to a neutralized State, of the rules of war formally subscribed to, and of standards of conduct which men deemed so well established that it was thought unnecessary to set up any international agreements to safeguard them. It would mean fastening upon mankind, in future wars, terrorism and the barbarous practices of early times, merciless treatment of non-combatants, deliberate murder of helpless thousands to secure military advantage. Little would remain of the healthy tendency to confine the conflict to the armed forces of the belligerents. To stop short of throwing the Germans back

out of conquered territory would be to fail to discredit the military party. It would leave Germany triumphant, the source of untold future disaster. It would render impossible for years to come an effective league of nations to discourage war. To meet the German menace whole populations would then be trained as soldiers, human ingenuity would be employed to devise more and more devilish methods of destroying fellow-men, and moral progress would be undone by steeling the human heart against its higher instincts. Armaments would know no limit and the United States would be compelled to enter the race in order to defend not only the Monroe Doctrine but the very existence of the nation.

XXII

THE PRINCIPLE TESTED

How could the proposed League have operated to postpone the war?[32] Its chief demand is for inquiry. Could any

positive results be expected from a requirement so limited?

The war originated in a dispute between Austria and Serbia over a question of fact, the question whether or not Serbia was a party to the conspiracy to murder the Archduke Franz Ferdinand. Bringing out the facts serves to dissipate the false pretenses on which nations bent on aggression often go to war, laying bare their real motives to shame them. If there be honest mutual misunderstanding of motive, bringing out the facts should cause it to disappear. And with the delay incident to inquiry, popular passion, which may have been roused by some untoward act or word, should subside. What more fitting than inquiry!

Now Serbia, a backward Power, would not have been a member of the League. The quarrel between her and Austria would therefore not have come directly within its province. But Russia, as the protector of the Balkan States, objected

to Austria's intention to discipline Serbia; and the threat of war between Russia and Austria — or Austria's ally, Germany — would have at once introduced the League into the dispute under the provision that no signatory may go to war with a fellow-signatory without a previous hearing of the controversy. At Russia's instance the Executive Committee of the League, constantly in being at the capital of some small State, would have immediately secured from the proper tribunal of the League an injunction to prevent Austria from committing the objectionable act — i. e., moving against Serbia — pending a hearing of the dispute. It would have haled Russia and Austria before the Council for a hearing or secured their consent to an inquiry before some other tribunal. When in July, 1914, Sir Edward Grey, supported by France and Russia, was pleading with the Central Powers for delay, what tremendous possibilities would have lain in the power to command

delay by commanding a hearing! The mere suggestion of what it might have meant for the world gives us pause.

The Kaiser is charged with deliberately absenting himself from Berlin after the fateful conference of July 5 in order to escape the appearance of complicity in the crime about to be perpetrated. The story runs that when he got back to Berlin, somewhat late, the Crown Prince met him at the station with the words: "Sire, you come too late. It's either fight or abdicate." If such a scene were really staged, it deceived no one. But whether true or false it suggests the fact that the power on the part of the world to command delay by commanding a hearing carries with it the chance of defeating the group that would hurry a nation into war.

Supposing the murder of the Archduke was merely the ostensible and not the real motive of Austria's aggressive attitude, that the true cause of her displeasure was a presumed conspiracy on the part of the

Serbians to free Bosnia-Herzegovina and to bring about rebellion of the Slav element generally in the Austro-Hungarian Empire, that fact would also have been disclosed through a hearing. In 1909 Austria had a similar grievance against Serbia. The Powers took up the question and Serbia was induced by them to promise to mend her ways. That she failed to carry out her promise to the complete satisfaction of Austria was no doubt due to belief on the part of the Serbians that the European Concert was ineffective. And this belief was well founded. If a hearing in the present case had disclosed the existence of a conspiracy, is there any doubt that the League would have devised some means to stop it, while inducing Austria herself to introduce liberal reforms within the Empire?

The explicit injunction of the League in the case we are considering would have been against its own members (Russia, Austria, and Germany) going to war

without a hearing. If one of them had violated this injunction the League would have lined up back of the other and made common war against the recalcitrant.

Is it likely that the Central Powers would have been rash enough to refuse the reasonable demand for an inquiry under the alternative of war with all the Great Powers? Germany may have been eager to take advantage of her preparedness by striking at once. But would that advantage counterbalance the enormous disadvantage of fighting the League?

The question whether the military class would have been able to drag the German people with them into war after an inquiry is quite another question. Inquiry would have revealed to the people of Austria-Hungary the falseness or needlessness of their own Government's position and, in all human probability, have saved Austria from playing the German game. If Germany thereafter set up grievances of her own, these like-

wise would have called for inquiry under a League. Such inquiry would have disclosed Germany's growth in all things that were worth while and have brought out the fact that she was not repressed, not discriminated against by the rest of the world.

To suppose that the military clique would have sought to launch Germany in war without the certainty of Austrian support, or that, after the disclosures incident to inquiry, they could have carried the German people with them, is to place no limit to human folly. Bismarck sought to give to his country's quarrels the appearance of right and generally succeeded in deceiving the world until after the event. The present German régime, though more clumsy in its practice, no doubt held to the same philosophy.

While the need of the hour is, therefore, to defeat Germany, running side by

side with it is the duty of being ready, when the war is over, with an intelligent and practical plan to discourage future war. The latter has high and enduring importance. It must not be overlooked even in the midst of the stern business in which we are now engaged.

When the next great event — the throwing down by the German people of their own rulers — occurs, all the strife will be stilled, and America and her allies will at once be confronted with the question, "Are you ready to assume your share in a world organization designed to retard a return of the cataclysm?"

THE END

NOTES

1. The rhapsody, "Follow the Flag," was struck off by the writer immediately after the United States entered the war. It appeared in *The Independent,* April 21, 1917, and is reproduced here in the belief that it helps to express the purpose of America and the aim of a league of nations.

2. In the present volume the writer has not hesitated to draw freely on his addresses and published articles with a view to examining objections advanced against the league project as well as further to develop its principles and aims. Care has been exercised to avoid going over ground already covered in Vol. I.

3. The authors of all the leading projects for a league of nations found it necessary to protect themselves against the inference that they sought a compromise peace. They were therefore careful to assert that the plans proposed by them were to be put into operation only after the present war. With the entry of the United States into the war, however, the circle of Great Powers whose coöperation was essential to the success of the project became so large — only Germany and Austria, of all the Great Powers, remaining outside the Group — that the immedi-

ate formation of a working organization during the war became a possibility.

It was some time before this changed aspect of the problem was seen. Our attention was first called to it by an interesting memorandum from Thomas Raeburn White early in the summer of 1917. His letter and the acknowledgment follow:

Philadelphia, June 19, 1917.

Dear Mr. Marburg:—

A thought has come to my mind which it seems to me ought to come before your Committee on Foreign Organization of the League to Enforce Peace. It is as follows:

Numerous special missions have been appointed by the Allied Powers now at war, including the United States, to take up matters of common interest with certain of the other Allied Powers.

Would it not be a natural development from this for a commission to be appointed to sit at least during the continuance of the war, say at Paris?

The commission should consist of representatives of all the Allied Powers; neutrals, especially those which have severed diplomatic relations with Germany, might be invited to send representatives.

Such a commission would perhaps develop into a commission on the conduct of the war and could deal with trade questions and other matters of common interest.

It would thus automatically and naturally become the nucleus of an International Council of Conciliation, or it might not be too much to say an International Parliament.

There are a number of questions still pending and undetermined of a legal nature between some of the Allied Powers, e. g., United States and Great Britain.

Would it not be a simple and reasonable proposition for a court to be established by the Allied Powers to which should be referred all such questions as a matter of course, thus relieving the Governments concerned of much unnecessary correspondence and offering a simple method of getting rid of the controversy, with the certainty that with the present good feeling whatever decision was reached would be cheerfully accepted.

This court in time might naturally assume the functions of the court which it is proposed shall act in connection with the International Council of Conciliation to determine questions arising between members of a League to Enforce Peace.

Could this matter not be presented to the Government of the United States in some such way as to suggest action along these lines — action which at the moment would not seem to be radical or even a departure from plans previously adopted and acted upon?

When nations are engaged in a common purpose and against a common enemy is the time to secure their coöperation and interest in the

establishment of an international institution; difficulties can then be overcome or ignored which at other times seem insurmountable.

If we wait until the war is over, objections will be thought of which now will be overlooked in view of the immediate advantages to be gained.

If a court and council are already in existence it will be easier to strengthen and continue them than to create them anew.

Some of the greatest reforms known to history have come out of the stress of circumstances and in the midst of a conflict. Perhaps it may be so in this case.

Thomas Raeburn White.

Mohonk Lake, N. Y., June 20, 1917.

Dear Mr. White:—

. . . . . .

You suggest that the Allies set up at once certain important features of the proposed League and so institute a rudimentary international organization — a suggestion the realization of which is made possible by the entry of the United States into the war on the side of the Allies. If this suggestion were carried out it would help to strengthen still further the sympathy for the Allies' cause among the remaining neutral nations; and, above all, it would undoubtedly attract the people of the Central Powers and so weaken their resistance if not hasten actual revolution. Bonaparte's early victories, it will be remembered, were due partly to

the fact that the French armies were looked upon as liberators at a time when the thrones of Europe were occupied by a particularly corrupt lot of princes, and the troops opposed to the French offered less resistance because their heart was not in the fight.

Certain foreign chancelleries take the position that they cannot give time now to the study of the League project because all their energies are bent on winning the war. Your letter, however, calls attention to the fact that there are a number of questions of a legal nature still pending among the Allies and intimates wisely that the establishment of one of the important institutions planned by the League, namely, a true world court, would relieve the Foreign Offices of lengthy correspondence in connection therewith. The fact practically disposes of the argument of want of time.

To set up now what you suggest, namely, the Council of Conciliation and the International Court of Justice, would be an earnest of what the Allies profess to seek — machinery calculated to discourage future wars — and should help their cause to triumph.

. . . . . .

Sincerely,
Theodore Marburg.

Mr. White's memorandum was circulated promptly by us in influential quarters at home

and abroad. On June 30, 1917, it was laid before the Executive Committee of the League to Enforce Peace. Certain members of that committee expressed a fear lest a league established by the Allies now, and operating against the Central Powers, would excite in the latter a prejudice which could not be overcome after the war, and that the chance of ultimately creating a league with the Central Powers as members would accordingly be lessened rather than increased by the action proposed. The Committee decided not to connect the name of the League with the suggestion, but without prejudice to future action by its officers in making the idea known.

Meantime other forces were at work. In acknowledging receipt of Mr. White's memorandum, a French correspondent, whose name may not, for the present, be divulged, sent to us a clear-cut project, dated July 20, 1917, for the immediate organization of the Allies. He held that "the Society of Nations is a formula of war and ought to be created now."

His project calls for the formation of such a "Society of Nations" to conquer Prussia and prevent future mischief at her hands. A memorandum accompanying it draws attention once more to the fact that the secret of the strength of the Central Powers is to be found in the domination of Berlin which effects "unity of action." It raises the question whether the free nations composing the Allies cannot attain simi-

lar organization by voluntarily subordinating "their particularism to the collective interest." Middle-Europe cannot be conquered unless the Allies organize as effectively as Middle-Europe. This makes the formation of a "Society of Nations" not a problem of to-morrow but an immediate and pressing war problem. Dividing all peoples into three groups: the Central Powers, who have broken their faith, the Neutral Powers, who have failed to protest against this action, and the Powers who are fighting Germany or who have broken off relations with her, the author of the memorandum asserts that it is only among the last named group that we find the material for a "Society of Nations." By organizing now, the Allies secure military advantage, lay the foundations for a more developed league after the war, can prepare — without interference by nations which have demonstrated their antagonism to world order — the rules necessary for the conduct of such a league, and can provide the machinery for settling disputes which may unhappily arise among the Allies themselves during the war. He defines the present forms of association of States in an ascending order — Entente, Alliance, Confederation, Federal State — and quotes Léon Bourgeois to the effect that the conception of a Society of Nations finds a place between the Alliance and the Confederation. He insists that, in addition to the loose organization to be formed at once, the Allies reach an agreement on the

outlines of a plan for a Society of Nations to be presented at the Peace Conference.

4. Compare article in *Daily Chronicle,* London, Aug. 16, 1918.

5. On June 26, 1918, the British House of Lords declared by resolution that "this House approves the principle of a league of nations." As regards France, we are told (by Hamilton Holt) that the French Government regards the declaration of January 10, 1917, as a solemn commitment; that for the French soldier the idea of a league of nations is becoming a religion and is giving him new courage. This is significant; and it is also gratifying evidence that our plea to Sir Edward Grey in April, 1916, was not specious (see Vol. I, p. 103).

6. For bits of this and succeeding chapters compare addresses published in proceedings of "League to Enforce Peace" Conferences, 1915 and 1916, American Academy of Political and Social Science, 1915 and 1916, Mohonk Conference of 1916, American Society for the Judicial Settlement of International Disputes, 1916.

7. Throughout the neutral world the choice of Belgium is deemed to have been right. This despite the awful sacrifice it has entailed. As Maeterlinck pointed out, it was even a bigger and a higher thing than Thermopylæ. The Greeks barred that passage to keep their wives and daughters safe, to save their homes from destruction and themselves from a foreign yoke. The Belgians were threatened with none of these

disasters. To accede to the German demand meant personal safety and security of home and property, at least for the time being. To deny it meant frightful suffering for the little land and they knew it. But honor and duty called and, headed by that gentleman, King Albert, Belgium did not hesitate.

Through the mouth of her Chancellor, Germany admitted that she was about to commit a wrong. Why was it necessary to make that wrong doubly grievous by throwing down the rules of war and treating the Belgian people with such inhumanity? (Compare article in *New York Times Magazine,* January 21, 1917; reprinted by American Rights League, February 10, 1917.)

8. The thinness of the German thinking is disclosed by the assertion of more than one German writer that if Germany had only accepted our invitation to conclude a Bryan treaty with us we would not have declared war on her, but would have suspended action for one year pending an inquiry.

Now, all compacts are supposited on the idea of decent behavior. A nation may not, despite repeated warnings, persistently murder the citizens of another and expect a treaty to hold. The Bryan treaties contemplate inquiry into disputes. But Germany's offense was an attack, not a dispute. Few nations would be stupid enough to think they can continue to attack another and expect it to abstain from striking

back because it has entered into a treaty to investigate disputes. The whole principle of inquiry and arbitration and judicial settlement is made ridiculous by this assumption. (Compare letter in *New York Times*, April 7, 1917.)

9. When avoidance of entangling alliances was enjoined by George Washington we were a small country, highly vulnerable because of our comparative weakness. The dominant trait in Washington was his sense of duty. Were he alive to-day would he not recognize the obligation of his country to fulfill a duty to the society of nations instead of taking advantage of its fortunate geographical position to shirk that duty? He saw what coöperation of the Colonies meant for America. Would his vision have been less clear in sensing the great need of our day, the overwhelming importance of international organization to take the place of international anarchy?

10. Compare address before "League to Enforce Peace," Washington, May 26, 1916.

11. On the necessary exclusion of backward countries from the League, see Vol. I, p. 44.

12. As has been pointed out, the vulnerability of nations to-day in the very centers of population, no matter how remote from frontier, and in their food supply — due respectively to the introduction of aircraft and submarine — will sooner or later force them into a common organization against war with its multiplying horrors. The day is fast approaching when no

amount of preparation for defense will avail against outside attack, while the growing custom of fighting with the whole male population spells starvation and economic ruin. As Wells puts it: "It is the most dangerous of delusions for each and all of them to suppose that either Britain, France, or Italy can ever stand alone again and be secure."

13. Compare address printed by Maryland Peace Society, November, 1910.

14. Compare Vol. I, p. 78.

15. See "Introduction."

16. Compare *The Humanitarian* for December, 1917.

17. In the treaty of April 19, 1839, which has never been abrogated nor in this respect superseded, the language of the guarantee is: "Belgium . . . shall form an Independent and perpetually Neutral State." The signatories then proceed to affirm that this provision, among others, is "placed under the guarantee of their said Majesties." This treaty imposed upon Belgium, which is a party to it, the duty of preserving her neutrality "against all other States." It was formally accepted by the German Confederation.

In 1870 Great Britain saved the neutrality of Belgium by notifying both France and Prussia that she would take up arms against the country that violated that neutrality. She thereupon entered into identic treaties (August 9 and 11, 1870) with both France and Prussia by which

she solemnly bound herself to that course and engaged each of them afresh to respect Belgian neutrality. These treaties, which were to lapse twelve months after the termination of the Franco-Prussian War, contain the specific statement that they are "subsidiary and accessory" to the treaties of 1839 "without impairing or invalidating" them. (Compare article in *New York Times*, Jan. 21, 1917.)

18. At the 1916 Mohonk Conference, William Jennings Bryan, in opposing America's entry into the proposed league of nations, said:

"If we are in a group of American Republics we are associated with people having our form of government, but the moment we cross the ocean, we tie ourselves to a theory of government from which our people dissented a century and a third ago," et cetera. (Report of Conference.)

19. See Vol. I, p. 97.

20. Compare address before Interchurch Clerical Conference, Hotel Biltmore, New York, April 4, 1918.

21. Although our immediate task is rendered infinitely more painful and costly by the Russian débâcle, there is compensation in it of a high order. It is this: For some years, under the leadership of the United States — the claim is just — the minds of men have been turning to arbitration and the peaceful settlement of international disputes. We were looking forward to the time when this method would have prevailed

to such an extent that wars would be rare and men would come to wonder how they could stupidly have failed so long to apply to international affairs the institutions which served to maintain law and order within the State. We were fully conscious that there was one powerful country which was holding out against this tendency. Wherever it could, it blocked it. At international gatherings it defeated the adoption of more than one institution the acceptance of which would have interfered with its aggressive plans. This purpose had become so manifest that some of us were wondering whether we could ever get a decent international organization until the rest of the world combined and bade Germany stand out of the way. Ripe for the fray, Germany herself launched it. Her designs were so clearly revealed, and in such hideous guise, from the very commencement of the war that the world, in sentiment or in act, immediately arrayed itself against her. The end of this gigantic struggle was not doubtful then as it is not doubtful now despite the very tempest of adversity through which we are passing.

But there was serious danger that the protracted struggle against so formidable a foe would make a great military Power of another autocratic country. It was fear of Russia's becoming a menace to England that led a prominent British statesman, whose grasp of history and politics is of an unusual order, to oppose his country's entry into the war and caused him to

retire from the Cabinet. And this was a real danger, not only for England, but for the world. After crushing Germany we might have been compelled, later on, to overcome another formidable Power before the world could make a beginning in the direction of international organization. Now, when we overcome Germany, as we must, the job is done.

22. The element which opposed participation in the war was important. It was headed by the *Manchester Guardian* and included many men of national prominence.

23. The facts brought out at the Soukhomlinoff trial do not impair the justness of this inference. The mistake in the thinking of the critics who use the disclosures of this trial in an attempt to shift the blame for the war to the shoulders of Russia is found in their failure to grasp the fact that Germany's condition of peace was that Austria be allowed to have her way in Serbia. Nothing short of surrender on that point could have prevented the Great War. Failure on Russia's part to mobilize promptly after Austria's attack on Belgrade would only have invited immediate disaster. The vacillations of the Czar had no significance. When the German Kaiser expressed a willingness to abstain from plunging Europe into war he made plain his terms: unhampered action by Austria against Serbia. The favorite German phrase was "localize the war." And we know what that meant; the episode of Bosnia-Herzegovina and

Germany's attitude in that crisis remove all doubt.

All the incidents accompanying the breaking out of the war and all that has followed since make it perfectly clear that Germany was ready for war, wanted war at that moment, had practically decided on it at the Potsdam conference of July 5, and was aware of, if she did not actually inspire, the tenor of the Austrian note to Serbia, fully conscious that its extravagant demands made the maintenance of peace highly improbable.

Mobilization is not equivalent to war. Austria mobilized an important part of her army during the second Balkan War and yet did not declare war nor did the act bring a declaration of war against her by any other Power. If Emperor William's professions had been sincere the Russian mobilization would have brought only counter-mobilization and not a declaration of war on the part of Germany.

The truth is that at this very moment (July 31) Sazonof and Szapary had reached an understanding by which the Austro-Serbian dispute was to be referred to a conference. The dispatch from the Russian Foreign Office of that date to London contains the following language: "The Austro-Hungarian Ambassador declared the readiness of his Government to discuss the substance of the Austrian ultimatum to Servia. M. Sazonof replied by expressing his satisfaction, and said it was desirable that the discus-

sions should take place in London with the participation of the Great Powers." The British Foreign Office was informed that Austria had also communicated direct to Germany her readiness "to consider favorably" Sir Edward Grey's proposal for mediation between Austria and Serbia. It was fear on the part of Germany that this understanding would cause to slip from her grasp the opportunity to bring on a war in which Austria's aid could be counted on with certainty that led Germany to throw the fat in the fire by presenting to Russia the insolent demand for demobilization within twelve hours and by declaring later that a state of war existed. (Compare letter in *New York Times*, Nov. 16, 1917.)

24. The bases for Chapters XIII, XIV and XV were laid in "Commencement" addresses delivered at Grinnel College, Iowa, June 13, 1917, and at the University of Cincinnati, June 16, 1917.

25. See Vol. I, p. 99.

26. Compare syndicated newspaper article, released April 23, 1917.

27. Do we go too far when we blame the German Emperor for this war? Proof that he personally sought it may be lacking. But which of us, knowing his dominance of German affairs, will say that he could not have prevented the war had he sought to do so? The opinion is rapidly maturing that there is such a thing as crime against the society of states and that

when an individual is clearly in such position of power as to be responsible for heinous crime of this kind he should be brought before a proper tribunal for fair and open trial and be treated as a criminal.

28. We should compel her to rebuild the exquisite architectural creations of Flanders and above all render prophetic the fine expression of Louise Driscoll about Rheims:

"There is no power in the world like thought,
And beauty wrought with prayer shall never die."

29. Certainly Prussianism cannot be destroyed by treaty stipulations. The treaty would be made with the present rulers of Germany — practically a treaty with a man to hang himself! Such a treaty would be no less unstable than Napoleon Bonaparte's periodic treaties negotiated in order to afford time to marshal new armies. Similarly, the removal of the Kaiser himself by treaty would scarcely be more permanent than was Bonaparte's forced retirement to Elba. No! The future security of Europe, so far as Germany is concerned, depends not on any peace conditions imposed on Germany from without, but solely on the overthrow of both the military class and the bureaucracy by the German people themselves. And it would appear that the grip of the military hierarchy — including the Kaiser — on the German people can be loosened only by overthrow of German arms.

(Compare interview *New York Evening Mail*, Dec. 15, 1916.)

30. Compare letter to *New York Times*, July 22, 1917.

31. Thomas Nelson Page once told the writer that most of the ideas developed in his later work were contained in one of his college essays. Similarly, the duty of America toward the European conflict as the writer sees it to-day is fairly well summed up in the following statement which he was privileged to make on his return to America, Sept. 18, 1914. It is reproduced, with a correction as to date of the Clarendon-Bismarck episode, from the *New York Tribune* of the following day.

"*This statement was issued by Theodore Marburg, former United States Minister to Belgium, who arrived yesterday on the Lusitania.*

"The cruel way in which devoted little Belgium is being trampled to death simply because it lay in the path of a war-mad government makes one's blood boil.

"The Germans, dominated by a heartless military class, are moving back the practices of the world. Their acts are characterized by utter disregard of the international code so laboriously built up and of the common dictates of humanity.

"The violation of Belgium's neutrality, involving a breach both of international law and of Prussia's own solemn pledge, the dropping of bombs on Antwerp, the devastation of Louvain

and the heartless treatment of non-combatants, substantiated independently by Belgian, Dutch, French and English witnesses, constitutes a fearful indictment. Added to this is the ungenerous and unchivalrous wringing of a money indemnity from a people who had cherished no hostile designs against Germany, but whose country was simply defending its neutrality, as it was obligated to do by international law and by the law of self-preservation.

"I am not in favor of the United States embroiling itself unnecessarily in European controversies, but a state of affairs exists in Europe, which, if the love of decency in international conduct and of fair play and of common justice is in our hearts, must lead us openly to espouse the cause of England and her allies.

"True, we were not parties to the guarantee of Belgium's neutrality, though perhaps we ought to have been, and if we had been that neutrality, with all its possibilities of future influence on a valuable principle, would have had more chance of being respected. But there are great human causes which are universal and to bring us to the aid of which no treaties should be needed. Germany is not and has not for years been amenable to reason.

"Only force will avail. She must be beaten to her knees to stem this flow of barbarism, to free the German masses from the grip of the bureaucracy and ruthless military class, and to arrest militarism itself.

"In the recently published life of Lord Lyons will be found a dispatch from Lord Clarendon in which it is suggested to Bismarck, early in 1870, that France is ready to reduce her army if Prussia will do the same. Of course the offer was rejected as not quite fitting in with Bismarck's designs.

"But the episode makes it clear that the whole of modern miltarism had its origin in Prussia. It would have been stemmed long ago but for Germany, dominated by Prussia, and cannot be arrested now except by the thorough defeat of Germany.

"Any one who has occupied himself with the question of institutions calculated to prevent war knows how at every turn Germany blocks the way to progress in that direction. Positive agreements which would obligate Germany to arbitrate instead of fighting are out of harmony with her dreams of conquest. Even Mr. Bryan's useful treaties for obligatory investigation, involving the delay of a year before war may be declared, are distasteful to Germany because her strength, she believes, lies in superior preparedness, and she declines to be held back, though after the Belgian tragedy the world for many years to come will feel that, after all, Germany will observe her treaty obligations only so long as she considers it to her interest to do so, or so long as a group of right-minded nations compels her to do so.

"Quite in line with Germany's other acts is the

slight attention which England's suggestion of a naval holiday received at her hands — a suggestion which we ourselves heartily welcomed by resolution of Congress, and which all the other great powers were ready to discuss as a possible entering wedge to overturn the present senseless system.

"With such incidents systematically disclosing, it was difficult for Germany to conceal the real object of her enormous military preparations. The European world has tossed on a restless pillow for years because of Germany, and that its fears were not groundless is shown by the events of to-day.

"Are we not again at a turning point in history? What we have witnessed is as nothing compared with what is to come if Germany wins out. And America will not only share the added burdens which will be placed on the shoulders of all nations, but will be open to the dangers of actual attack by men of boundless ambition and inhuman callousness. England is fighting our battle.

"This aside, what is our duty to outraged Belgium?

"Before her ruin was there any more dignified member of the society of nations? None of the conditions of internal lawlessness, spoliation of foreign creditors or vicious foreign policy which ordinarily bring interference in the affairs of weak and backward countries may be charged to her.

"Belgium scrupulously avoided all initiative in international questions which might by any possibility be construed as inconsistent with her position as a neutralized state. She was making her full contribution to progress. The activity of some of her broad-minded citizens had made her a very center of international coöperation second only to Switzerland. Splendid traditions of art and industry and culture are hers. In her beautiful and well ordered cities the spirit of liberty had asserted itself from the earliest times. Her people worked longer hours than any other people of Europe, and so faithful was she to her trust that with her small population of 7,500,000 she stood fifth in the commerce of the world.

"Small states of the mettle of Belgium and Switzerland and Holland are performing services of the highest order. Are we as a great nation to stand aside now with folded arms, to say that this is none of our business and to suffer one of the finest of them to be utterly crushed in an unspeakably cruel and lawless way and raise no protest?

"The principle of neutrality is based on the idea that in most international quarrels there is a measure of right and wrong on both sides. Is that true here? What wrong has Belgium done to Germany? What right has Germany to crush her? Neutrality is based, further, on the idea of self-interest. But is it to our own interest to let the spirit of militarism run rough-

shod o'er the weak and trample in the dust the practices of peace and the rules of war alike?

"When events like these are crowding, is not the time for indifference and impartiality past? Do we not owe it to ourselves, as a nation which has made valuable contributions to international law and more valuable ones to international practice, to endeavor to guard the progress that has been made? But there is something deeper than the law of nations that is being set back by the philosophy of ruthless domination which has entered into the very marrow of the ruling class in Germany — namely, the whole body of instincts and practices which constitutes our humanity.

"Is it not our duty as an important member of the family of nations to use our utmost endeavor to guard likewise those elements of life more sacred and more valuable than anything material or intellectual?

"I myself am of German extraction, but I find that national sympathies are transmitted in environment and not in blood. Moreover, I feel that the great body of the German people, who have written such a brilliant page in modern history, but who lack political genius, can be freed only from outside from the grip of the military class. And I believe that the curse of militarism will continue to spread over the world until the bureaucracy and military class of Germany are overthrown."

The particulars of Lord Clarendon's disarma-

ment overtures, referred to in the above statement, will be found interesting.

The British Government was asked by the French Government to endeavor to bring about an agreement between France and Prussia for simultaneous disarmament. The reasons advanced by France for desiring it were that she feared Socialism and revolution and wanted to appease the agricultural class, on whom the then-existing Government leaned for support, by an abatement of taxes and of the demand for recruits. Moreover, her Government expressed itself as unwilling to assume the responsibility, in the eyes of France and of the world, for the armaments and attendant expenses which even then were regarded as excessive.

In transmitting the proposal, Feb. 2, 1870, Lord Clarendon, the Foreign Secretary, wrote: "But it is in the general interest of Europe, of peace, and of humanity that I desire to invite the attention of Count Bismarck to the enormous standing armies that now afflict Europe by constituting a state of things that is neither peace nor war, but which is so destructive of confidence that men almost desire war, with all its horrors, in order to arrive at some certainty of peace — a state of things that withdraws millions of hands from productive industry and heavily taxes the people for their injury and renders them discontented with their rulers. It is a state of things, in short, that no thoughtful man can contemplate without sorrow and alarm,

for this system is cruel, it is out of harmony with the civilization of our age, and it is pregnant with danger."

As stated above, the suggestion was promptly rejected.

At that time Louis Napoleon was no longer a menace to any one. France made the proposal through Lord Clarendon in good faith. Had it been accepted the world would have been spared much that has since followed in the direction of the race for armaments and the multiplication of the military class, whose presence in the State in large numbers provides an influential group always inclined to war and exerting constant pressure on the Government to that end.

It would have spared the world the untold miseries of the present conflict, brought about by Prussian militarism having mastered the minds of the whole German people. (Compare letter to *Outlook,* Jany. 13, 1915.)

32. The substance of this chapter appeared in the *Daily Princetonian,* Dec. 20, 1915.

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